

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 20-CR-2124 MV

OLUTAYO OGUNJALA, ET AL

Defendant.

MEMORANDUM OPINION AND ORDER

THIS MATTER is before the Court on Olutayo Ogunjala's Motion for Permission to File Motion to Suppress Statements Out of Time. Doc. 152. Having considered the Motion and relevant law, and being otherwise fully informed, the Court finds that the Motion is well-taken and will be granted.

BACKGROUND

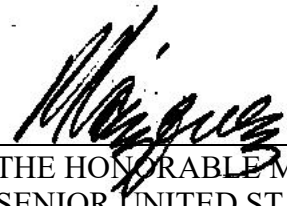
On December 12, 2022, the Court entered a Stipulated Scheduling Order that imposed a deadline of June 16, 2023 for all substantive motions. Doc. 88. This deadline was set in anticipation for a trial in this matter to occur on February 5, 2024. *Id.* On January 31, 2024, Mr. Villa was appointed by this Court as counsel for Mr. Ogunlaja. Doc. 118. Mr. Ogunlaja's trial in this matter is now set for October 21, 2024. Doc. 124; Doc. 119. The most recent Amended Scheduling Order imposed certain new deadlines in the case, but did not change the deadline for substantive motions. *Id.*

After reviewing discovery, counsel for Mr. Ogunjala determined that, pursuant to *Miranda v. Arizona*, 384 U.S. 436 (1966), it is necessary to file a motion to suppress Mr. Ogunjala's statements made to law enforcement on September 9, 2021. The motion to suppress is attached as an exhibit to the instant motion. The Court finds that in order to ensure a fair trial, Mr. Ogunjala

should have the opportunity to litigate any potential *Miranda* issues ahead of trial. Accordingly, the Court will allow Mr. Ogunjala to file a motion to suppress outside of the deadline imposed by the Court's scheduling order.

IT IS THEREFORE ORDERED that Mr. Ogunjala's Motion for Permission to File Motion to Suppress Statements Out of Time [Doc. 152] is granted. Counsel for Mr. Ogunjala is ordered to file the motion to suppress as a separate docket entry.

ENTERED this 3rd day of June 2024.



THE HONORABLE MARTHA VÁZQUEZ
SENIOR UNITED STATES DISTRICT JUDGE